

REMARKS/ARGUMENTS

The Office Action mailed February 4, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Applicant hereby requests acknowledgement of the Information Disclosure Statements filed December 6, 1999, March 13, 2000, October 13, 2000 and January 3, 2001.

With this response it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 102 Rejection

Claims 1 and 27-35 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Jones¹. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

¹ U.S. Patent 5,144,659

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1

Jones fails to teach "to copy said fixed file security status from said first memory to said second memory as said active file security status"

The Office Action states that Jones inherently teaches this element "since the file is being requested". Applicant respectfully disagrees. Col. 9, lines 19-29 of Jones states that:

During installation of the file security subsystem (FSS), a set of file access criteria are entered and stored in nonvolatile memory in the FSS and also written to a portion of the host computer file storage device which is subsequently marked as inaccessible to the operating system. These criteria are used by the protection process to determine the type of access authorized on a specific system. After installation the file security system is accessible only by the use of a master password that will presumably be known only by an appropriate security director or system administrator.

Thus, the file access criteria are set up at installation and presumably are only able to be accessed (but not changed) during runtime, absent a master password being utilized by a system administrator. There is no evidence, however, that there would be any copying at runtime, either by a client or by a system administrator, of one of these file access criteria to another memory. Accessing data in a memory does not necessarily imply copying it. The routine utilized in Jones to determine whether the file access criteria permit a user to access a particular file can easily be accomplished by simply looking at the criteria stored in the FSS, and there is no need to copy it to somewhere else, let alone to copy it somewhere else as an active file security status.

Jones fails to teach "when said active file security status is determined to be of said first type...to change said active file security status from said first type to said second type".

The Office Action cites col. 9, lines 20 and 30-38 of Jones as evidence of its teaching a first type indicating that operations are not allowed on a file and a second type indicating that

operations are allowed on the file. The Office Action has not specifically identified which "type" described in these sections of Jones correspond to the first type and which correspond to the second type. However, in reading Jones, Applicant assumes that the Office Action is equating the "files which are to be protected at all times" with the first type. Thus, later in Jones (col. 9, lines 58-68), there is an explanation of how a system administrator may override these protected files by using a master password. First, as stated above, the use of a master password is not the same as an authorization credential including a certificate. Second, there is no evidence that changing of an active file security status in response to this password being accepted. What would be changed is the fixed file security status. The presently claimed invention would not require the change of the fixed file security status, and discusses only changing the active file security status. Thus, when the apparatus of claim 1 has finished its operation, the active file security status may be discarded, and the fixed file security status, which would not have changed, would remain.

Claims 27, 30, and 33

Jones fails to teach "copying the fixed file security status from said first memory to said second memory as the active file security status"

As stated above with respect to claim 1, Jones fails to teach this copying of a fixed file security status from a first memory to a second memory as an active file security status. Jones merely teaches accessing of a fixed file security status to determine if a client is authorized to access a file. Thus, Applicant respectfully maintains that claims 27, 30, and 33 are in condition for allowance.

Jones fails to teach "when the active file security status is determined to be of the first type...changing the active file security status from said first type to the second type".

As stated above with respect to claim 1, Jones fails to teach the changing of an active file security status from a first type to a second type. Jones merely teaches the changing of a fixed file security status, not an active file security status. Thus, Applicant respectfully maintains the claims 27, 30, and 33 are in condition for allowance.

As to dependent claims 2-4, 28, 29, 31, 32, 34 and 35, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The First 35 U.S.C. § 103 Rejection

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jones as applied to claim 1 above, and further in view of Subramaniam et al.³. This rejection is respectfully traversed.

As to dependent claims 2 and 3, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

³ U.S. Patent 5,519,507

The Second 35 U.S.C. § 103 Rejection

Claim 4 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jones, and Subramaniam et al., as applied to claims 1-3 above, and further in view of Testin et al.⁴. This rejection is respectfully traversed.

As to dependent claim 4, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Response places the above-identified patent application into condition for allowance. Early favorable consideration of this Response is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

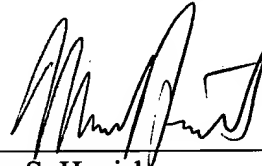
⁴ U.S. Patent 4,776,038

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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